



# U.S. DEPARTMENT of STATE

## Ukraine

### International Religious Freedom Report 2005

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The 1996 Constitution and the 1991 law on Freedom of Conscience provide for freedom of religion, and the Government generally respects this right in practice; however, there were isolated problems at the local level, at times as a result of local officials taking sides in conflicts between religious organizations. Religious groups of all beliefs flourished; however, some local officials at times impeded attempts by minority and nontraditional religions to register and to buy or lease property.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion. Registration and property restitution problems remained; however, the Government continued to facilitate the return of some communal properties.

The generally amicable relationship among religions in society contributed to religious freedom; however, there were some exceptions, particularly during and after the 2004 Orange Revolution and, more generally, among leaders of rival branches of the same faith. There were isolated instances of anti-Semitism and anti-Islamic sentiments. The All-Ukrainian Council of Churches and Religious Organizations (All-Ukrainian Council) provided a forum to resolve disputes and discuss relevant legislation.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

#### Section I. Religious Demography

The country has an area of 603,700 square kilometers, and its population is 47.44 million. Estimates of those who consider themselves believers have varied widely. A nationwide survey conducted in 2003 by the Razumkov Center found that 75.2 percent considered themselves believers, 37.4 percent said they attended church, and 21.9 percent of the respondents said they did not believe in God. As of January 1, 2005, there were 29,699 registered religious organizations, including 28,481 registered religious communities; the Government estimated that there were approximately 1,106 unregistered religious communities. More than 90 percent of religiously active citizens are Christians, with the majority being Orthodox. Religious practice is generally strongest in the western part of the country.

In September 2004, the respected national newspaper "Den" published the results of a major poll on religious beliefs done by the All-Ukraine Sociological Service. Of the respondents who identified themselves as believers, 50.44 percent said they belonged to the Ukrainian Orthodox Church (UOC)-Kiev Patriarchate; 26.13 percent to the UOC-Moscow Patriarchate; 8.02 percent to the Ukrainian Greek Catholic Church (sometimes referred to as the Uniate, Byzantine, or Eastern Rite Church); 7.21 percent to the Ukrainian Autocephalous Orthodox Church; 2.19 percent belong to the Roman Catholic Church; 2.19 percent identified themselves as Protestants; 0.63 percent responded that they observed Jewish religious practices; and 3.2 percent said they belonged to unidentified "other denominations."

The Ukrainian Orthodox Church-Moscow Patriarchate (UOC-MP) has 36 eparchies and 10,566 communities, most of which are located in the central, southern, and eastern parts of the country. Metropolitan Volodymyr (Sabodan) of Kiev heads the Church within the country. The UOC-MP, which has 8,936 clergy members, refers to itself as The Ukrainian Orthodox Church.

The Ukrainian Orthodox Church-Kiev Patriarchate (UOC-KP) was formed after independence and has been headed since 1995 by Patriarch Filaret (Denysenko), who was once the Russian Orthodox Metropolitan of Kiev and all Ukraine. The UOC-KP has 31 eparchies and 3,484 communities, approximately 60 percent of which are in the western part of the country. The UOC-KP is not recognized by the UOC-MP, which publicly refers to Patriarch Filaret as a "schismatic." The UOC-KP has 2,693 clergy members.

The Ukrainian Autocephalous Orthodox Church (UAOC) is the smallest of the three major Orthodox churches in the country; it was founded in 1919 in Kiev. Banned during the Soviet era, it was legalized in 1989 and has 12 eparchies and 1,172 communities, most of them in the western part of the country. The UAOC has 702 clergy members. In the interest of the possible

future unification of the country's Orthodox churches, it did not name a Patriarch to succeed the late Patriarch Dmitriy. The UAOC is formally headed in Ukraine by Metropolitan Mefodiy of Ternopil and Podil; however, the large eparchies of Lviv, Rivne-Volyn, and Tavriya have officially broken relations with Mefodiy and have asked to be placed under the direct jurisdiction of Ecumenical Patriarch Bartholomew.

The adherents of the Ukrainian Greek Catholic Church (UGCC) constitute the second largest group of believers after the Christian Orthodox churches. The Council of Brest formed the Church in 1596 to unify Orthodox and Roman Catholic believers. Outlawed by the Soviet Union in 1946 and legalized in 1989, the UGCC was, during that period of time, the single largest banned religious community in the world. As of January 1, 2005, the UGCC had 18 eparchies, 3,386 communities, and 2,103 clergy members. The UGCC's members, who constituted a majority of the believers in the west, numbered approximately 4 million.

The Roman Catholic Church is traditionally associated with historical pockets of citizens of Polish ancestry who live mainly in the central and western regions. The Roman Catholic Church has 11 dioceses, 870 communities, and 484 clergy members serving approximately 1 million persons.

Protestant Churches have grown rapidly in the years since independence. The Evangelical Baptist Union of Ukraine (the Baptist Union) is the largest group, claiming over 500,000 members in approximately 2,552 organizations. The Baptist Union has 2,394 communities and 3,069 clergy members. Other growing communities include Anglicans, Calvinists, Jehovah's Witnesses, Lutherans, Methodists, Mormons, Pentecostals, Presbyterians, Seventh-day Adventists, and others.

The Jewish community has a long history in the country. Estimates on the size of the current Jewish population vary. According to the State Committee of Statistics, the Jewish population during the 2001 census was estimated at 103,600, although some Jewish community leaders have said the number may be as high as 300,000. The All-Ukraine Sociological Service poll appears to corroborate this higher figure. Observers believe that 35 to 40 percent of the Jewish population is active communally; there are 240 registered Jewish organizations.

Emigration to Israel and the West decreases the size of the Jewish population each year by 14,000 to 21,000. In addition, the average age of Jews in the country is approximately 60; local Jewish leaders and foreign observers estimated that approximately 9 deaths occur for every birth in the community. Despite these demographic indicators, Jewish life continues to flourish, due to an increase of rabbis entering the country since independence, an increased proportion of Jews practicing their faith, and an increased willingness of individuals to openly identify themselves as Jewish. Most observant Jews are Orthodox. There are 101 Chabad-Lubavitch communities in the country. The Progressive (Reform) Jewish movement has 50 communities.

Some observers estimate that there are 2 million Muslims in the country, although most estimates are substantially lower, around 500,000. There are 457 registered Muslim communities, 320 of them on the Crimean peninsula. Sheikh Akhmed Tamim, the Mufti of Ukraine, is a member of the All-Ukrainian Council. According to Sheikh Tamim, approximately 50,000 Muslims, mostly foreign, live in Kiev. The majority of the country's Muslims are Crimean Tatars, who were forcibly deported from Crimea to Uzbekistan by Stalin in 1944; they were permitted to begin returning home in 1989. There are approximately 300,000 Crimean Tatars in Ukraine; 267,000 live on the peninsula.

The Government estimated that there are more than 15 nontraditional religious movements in the country. As of January 1, 2005, 28 Krishna Consciousness communities and 43 Buddhist communities were registered.

According to the Government, as of January 1, 2005, there were 173 theological educational institutions with 9,494 full-time and 10,277 correspondence students. Foreign religious workers are active in many faiths and denominations. The Government estimated that approximately 51 percent of priests in the Roman Catholic community are foreign citizens. Foreign religious workers also play a particularly active role in Protestant and Mormon communities, where missionary activity is central to community growth. The Jewish community also depends on foreign religious workers; many rabbis are not Ukrainian citizens. In 2004, 11,978 foreign religious workers were officially invited to the country, including 6,658 U.S. citizens. According to the Government, no visa applications by foreign religious workers were rejected during 2004.

## **Section II. Status of Religious Freedom**

### **Legal/Policy Framework**

The 1996 Constitution and the 1991 law on Freedom of Conscience provide for freedom of religion and the Government generally respects this right in practice. Generally speaking, the government strives at all levels to protect this right, and does not tolerate its abuse, either by governmental or private actors. However, some minority and nontraditional religions have experienced difficulties in registration and in buying and leasing property.

The country officially celebrates numerous religious holidays, including Christmas, Easter Monday, and Holy Trinity Day, all according to the Julian calendar shared by Orthodox and Greek Catholics.

The law requires that to obtain the status of a "juridical entity," a religious organization must register its "articles and statutes"

either as a local or national organization. Membership of at least 10 adults is required. Registration is necessary to conduct many day-to-day business activities including publishing, banking, and property transactions. Registration is also necessary to be considered for restitution of communal religious property. By law, the registration process should take 1 month, or 3 months if the Government requests an expert opinion on the legitimacy of a group applying for registration. Denial of registration may be appealed in court.

The registration process is currently in the midst of significant change sparked by the Orange Revolution and the election of President Viktor Yushchenko. In the past, the Soviet-legacy State Committee for Religious Affairs (SCRA) was the government entity responsible for registering religious organizations and, more broadly, for implementing state policy on religion. The SCRA's headquarters was in Kiev; it maintained representatives in all regional centers, as well as in the autonomous cities of Kiev and Sevastopol.

In the past, national religious organizations were required to register with the SCRA, and then to register each local affiliate with the local office of the SCRA in the oblast where the affiliate was located. In practice, the average registration period was 3 months, though registration could occasionally take 6 months or more for cases in which the SCRA required additional expert evaluation. For example, in 2004 the Progressive Jewish Community reported that its application for registration in Kharkiv took a year before being approved.

The media reported that President Yushchenko abolished the SCRA by presidential decree on April 22, 2005, transferring the SCRA's functions to the Ministry of Justice (MoJ) and the State Secretariat. The move was cautiously welcomed by representatives of many major religious organizations, NGOs, and think tanks, who generally viewed the SCRA as an antiquated, corrupt, Soviet-style organization. Some major religious organizations criticized the move, noting that the SCRA, while flawed, played a valuable role as the religious community's "voice" in the government, helping to mediate disputes, for example, between religious organizations and various government agencies.

The process of transferring the SCRA's functions to the MoJ and the State Secretariat has moved slowly. The media reported on May 18 that the Cabinet of Ministers has set up a commission to determine how to carry out the transfer; the commission is headed by SCRA Chairman Viktor Bondarenko and is required to "inform the Cabinet of Ministers about its work" in three months. As of June 2005, the SCRA generally continued to function as it did before. The organization appeared to have simply been renamed the "State Department for Religious Issues" and formally subordinated to the MoJ.

Major religious organizations have expressed concern about the opaque way in which the SCRA was abolished and how its duties will eventually be divided between the MoJ and State Secretariat. Specifically, religious organizations have expressed concern that the process has proceeded without their input. While the Justice Minister has pledged to "take the politics" out of the registration process and bring Ukrainian law into conformity with European norms, religious organizations remained skeptical, complaining that they have little specific information about what the SCRA's successor organization will actually do.

Major religious organizations were also concerned that the SCRA's successor organization may not continue the SCRA practice of frequently consulting with the All-Ukrainian Council, whose membership represents the faiths of over 90 percent of the religiously active population. The All-Ukrainian Council meets once every 2 or 3 months and has a rotating chairmanship. Representative members also use the council as a means of discussing potential problems between religious faiths. The council also has provided a forum through which religious organizations can consult with the Government on relevant draft legislation. President Yushchenko held his first meeting with the council on June 14, 2005.

Representatives of some small religious organizations complained that the SCRA has excluded them from the All-Ukrainian Council because they refused to pay cash bribes solicited by senior SCRA officials.

There is no formal state religion; informally, however, the UOC-MP and the UGCC tend to dominate in the east and west of the country respectively. Local authorities tended to side with the religious majority in a particular region, taking the side of the UOC-MP in many areas of the country, and supporting the UGCC in the western part of the country.

President Yushchenko has, since taking office, spoken publicly about his vision of a Ukraine in which religious freedom flourishes and people are genuinely free to worship as they please. In addition, the president said in a March 24 media interview that his government would not "directly involve itself in ecclesiastical matters." Yushchenko has, however, spoken out in support of creating a unified Ukrainian Orthodox Church. The UOC-MP reiterated at a March Holy Synod that it opposes "mechanical" unification with what it calls the "non-canonical" UOC-KP.

Officially, religion must be kept out of the public school curriculum. However, President Yushchenko, with the support of the country's four top Christian clergymen, announced on June 29 that he would instruct the Ministry of Education to introduce training in "the ethics of faith" into public schools beginning September 1, 2005. While Jewish leaders support the teaching of ethics and civics in school, they have insisted on a nonsectarian approach to this training--an approach which President Yushchenko has said he shares. Schools run by religious communities may, and do, include religious education as an extracurricular activity.

In June 2004, then-President Kuchma signed into law the amendments to the Law on Alternative (Non-Military) Service, adopted by the Supreme Rada in May 2004. The amended bill stipulates that the term of alternative service "shall be 1.5 times the

duration of active military duty." Christian symbols and ceremonies are routinely used in the armed forces.

According to the law, religious organizations maintain a privileged status as the only organizations permitted to seek restitution of communal property confiscated by the Soviet regime. During the period covered by this report, most buildings and objects subject to restitution were those immediately necessary for religious worship. Communities must apply to regional authorities. While the consideration of a claim should be completed within a month, it frequently takes much longer.

Intra-communal competition for particular properties complicates the restitution issue for the Christian, Jewish, and Muslim communities. The slow pace of restitution is also a reflection of the country's difficult economic situation, which severely limited funds available for the relocation of the occupants of seized religious property. Some groups asserted that there was progress in the restitution of property, while others reported a lack of progress. Many properties for which restitution is sought are occupied, often by state institutions, or are historical landmarks. All major religious organizations called on the Government to establish a transparent legal process to address legitimate restitution claims.

According to the Government, as of January 1, 2005, religious organizations in Ukraine were using 20,607 places of worship, of which approximately 6,100 were rented. In 2004, 632 religious buildings and premises, including 14 architectural heritage sites, were transferred into ownership or use to religious organizations. As of January 1, 2005, 2,445 religious buildings were under construction. During the period 1992-2004, Government funds and donations were used to construct 4,398 places of worship. Representatives of the Jewish and Baptist communities have complained, however, that state funds are only allocated for Orthodox church buildings. The Government has not allocated funds for the construction or reconstruction of synagogues, for example.

Muslim leaders and representatives of the Crimean Tatar Mejlis acknowledged that, during the period covered by this report, the Crimean Government took steps to promote interfaith understanding through interfaith dialogue between Muslims and the UOC-MP. However, Muslim leaders and Mejlis members asserted that the efforts have not been successful.

### **Restrictions on Religious Freedom**

Government policy and practice contributed to the generally free practice of religion. The Government continued to facilitate the building of houses of worship; however, members of numerous communities described difficulties in dealing with the municipal administrations in Kiev and other large cities to obtain land and building permits. These problems were not limited to religious groups.

The law restricts the activities of foreign-based religious organizations and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other non-citizen representatives of foreign-based religious organizations; however, in practice there were no reports that the Government used the law to limit the activity of such religious organizations. Religious worker visas require invitations from registered religious organizations in the country and the approval of the Government. Foreign religious workers may preach, administer religious ordinances, or practice other canonical activities "only in those religious organizations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization."

At times, local governments in regions that are traditionally dominated by one religious group discriminated against rival religious groups in restituting property and granting registration. For example, representatives of the UOC-KP, the UAOC, the UGCC, and the Roman Catholic Church alleged that the Kuchma administration, as well as local governments in the east, favored the UOC-MP in matters of property restitution and registration. Similarly, representatives of Progressive Jewish communities have noted that the government of Dnipropetrovsk Oblast has only permitted the registration of Chabad communities.

Senior leaders of the UOC-MP complained that, in the wake of the Orange Revolution and the election of President Yushchenko, the UOC-MP has been discriminated against by the Rivne and Volyn oblast governments. In particular, the UOC-MP has alleged that Rivne Governor Vasyl Chervoniy illegally issued orders in April transferring control of a UOC-MP church in Mylostiv village to the UOC-KP. UOC-MP representatives also asserted that local officials and UOC-KP supporters in Rivne Oblast have repeatedly threatened UOC-MP clergy and their family members.

The UOC-MP has also protested legal action initiated by the Sumy Oblast government on February 21; local officials there are seeking to de-register the UOC-MP for alleged violations of criminal law.

Representatives from the UOC-KP complained that some local governments in oblasts with strong UOC-MP representation, including the Odessa and Poltava oblasts, deliberately delayed registration of congregations that, in accordance with the law, had changed jurisdictions from the UOC-MP to the UOC-KP. Representatives from the UOC-KP also noted that local governments failed to return UOC-KP church buildings in Dnipropetrovsk, Kharkiv, and Zhytomyr.

Representatives of the UGCC complained of discrimination by the Odessa municipal government, which blocked the Church's efforts to obtain land in the city.

Greek Catholic Cardinal Husar, as well as prominent members of Ukraine's Jewish community, called on the government to

amend Ukrainian education law, which prohibits religious organizations (for example, the UGCC) from establishing and running primary and secondary schools.

Despite requests from the Roman Catholic Church, including the Pope, the Government has not yet transferred its ownership of St. Nicholas' Cathedral and a former residence of Roman Catholic bishops in Kiev to the Church. The Church was, however, permitted to use the cathedral for daily morning Mass, on weekends, and during major religious holidays. Roman Catholic representatives also expressed frustration about unrealized restitution claims in Odesa, Mykolayiv, Sevastopol, Simferopol, Bila Tserkva, Uman, Zhytomyr, and Kiev.

Although evangelical Protestant groups have expressed concerns in the past about possible government discrimination against individual believers of non-native religions, evangelical Protestant leaders indicated that their members reported no such discrimination during the period covered by this report.

There continue to be charges by representatives of the Jewish community that religious land is being used inappropriately. For example, there was no progress in a high-profile and long-running dispute over a Jewish cemetery in the Volyn Oblast town of Volodymyr-Volynsky. In December 2002, a local court ordered a halt in the construction of an apartment building at the site. However, according to the Volodymyr-Volynsky Municipal Council, apartment construction was completed during 2003, and most of the units were occupied. Local Jewish groups complain that the SCRA and the Ministry of Justice continue to refuse to help resolve this dispute. In addition, in June 2005, a hospital in the Ternopil Oblast town of Chortkiv carried out unauthorized construction work in part of a 17th century Jewish cemetery. According to Jewish community leaders, the work was done despite a specific warning from the oblast administration that the cemetery was a protected historical heritage site.

Representatives of the Muslim community, both in Kiev and in Crimea, noted that they have had difficulty registering communities; for example, the Kharkiv Oblast government has, for the past 11 years, refused to register a Muslim community. In addition, Islamic community leaders have also expressed frustration with the Ministry of Education, which has yet to register a single Islamic school.

More broadly, representatives of the Muslim community complained that the Government's slow pace of communal property restitution undermined moderate Muslim leaders. A lack of results, they argued, made Muslims -- particularly in Crimea -- more willing to listen to people with strident views, especially those espoused by followers of Hizb ut-Tahrir. Muslim community leaders complained, in particular, about unresolved restitution claims involving a 118-year-old mosque in Mykolayiv, a famed mosque in Dnipropetrovsk, as well as a 150-year-old mosque in the Crimean town of Masandra and the ruins of an 18th-century mosque in Crimean coastal city of Alushta.

The media reported on May 20, 2005, that members of the Buddhist community staged a protest outside the headquarters of the security service (commonly known by its local acronym "SBU"). They criticized the SBU for the May 4 detention of a Japanese Buddhist monk, Dzunsay Teresava-san, at a crossing point on the border with Poland. The Japanese monk was taken off a train, had his visa revoked, was banned from entering the country for 5 years, and deported back to Poland. According to press reports, the monk is on a Russian Federal Security Service (FSB) "black list" because of his outspoken criticism of Russian military operations in Chechnya. The media reported on May 30 that the ban was lifted and the Japanese monk has been given a visa.

There were no reports of religious prisoners or detainees.

### **Forced Religious Conversion**

There were no reports of forced religious conversions, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

### **Abuses by Terrorist Organizations**

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

### **Improvements in Respect for Religious Freedom**

There were several improvements in respect for religious freedom during the period covered by this report.

President Yushchenko has spoken repeatedly and publicly, beginning with his inaugural address, about the need for Ukrainians to be free to worship as they choose. Yushchenko also publicly pledged on January 24 not to interfere in church affairs.

In addition, President Yushchenko, whose father was imprisoned at Auschwitz, has publicly denounced anti-Semitism and xenophobia. For example, at a January 27 ceremony in Poland marking the 60th anniversary of Auschwitz's liberation, Yushchenko declared that Ukraine would never again have a "so-called Jewish Question." Jewish community representatives welcomed the president's commitment to combating anti-Semitism; however, some critics in the community noted that Yushchenko has spoken against anti-Semitism in Poland and before the U.S. Congress--but not yet before parliament. President

Yushchenko reiterated his commitment to combating anti-Semitism during a May meeting with leaders of the United Jewish Communities/American Jewish Joint Distribution Committee, and during a June meeting with the Chairman and Executive Director of the National Conference on Soviet Jewry.

Although progress was modest, the Government continued to return some communal properties expropriated during the Soviet era to religious groups. For example, during the period covered by this report, the Government returned Mosques in the Crimean cities of Sudak and Feodosiya; a synagogue in the Crimean city of Yevpatoriya to the Progressive Jewish community; Uspensky Cathedral in Kharkiv to the UOC-MP; and, an unidentified Orthodox church building in Sevastopol to the UOC-MP.

In addition, the government celebrated the completed refurbishment of Svyatohirska Monastery in Donetsk Oblast and the UOC-MP's decision to elevate the monastery to the status of "Lavra," one of only three such sites in the country.

At the instruction of the Cabinet of Ministers, a special commission continued to operate in Kiev to settle issues pertaining to the use of premises and territory of the nearly 1,000-year-old Upper and Lower Lavra of the Kiev-Pechersk National Historical and Architectural Preserve and the male monastery of the Dormition of the Mother of God. The commission has developed mechanisms to return former church premises and other property for use by the Kiev-based St. Iona, St. Florus and Laurus, and St. Panteleymon monasteries of the UOC-MP. The commission has also formed a working group to address the issues pertaining to further use and preservation of sacred buildings in the Pochayiv Lavra monastery complex in Ternopil Oblast.

In June 2005, local authorities in Kremenchuk, Poltava Oblast, finally fulfilled a longstanding pledge to provide a plot of land to the local Roman Catholic community for the construction of a church.

By the end of the period covered in this report, the Government was also preparing to transfer control of the Saint Cyril Church in Kiev, Church of the Seven Holy Martyrs in Simferopol, and former monastery premises in Starokostyantyniv, Khmelnytsky Oblast, to the UOC-MP. They were also preparing to transfer control of the Dominican Cathedral and a former church building in Lviv, as well as the Cathedral of the Holy Virgin Mary in Ivano-Frankivsk, to the Roman Catholic Church. They also prepared to transfer a religious building in Balta, Odesa Oblast, to the Russian Old Rite Orthodox Church; and, a building on Khmelnytsky Street in Kiev to the Baptist Union.

The Government has also instructed the State Property Fund and Ministry of Foreign Affairs to continue to assist the U.S.-Ukraine Foundation in resolving a dispute with the Monastery of the Entry of the Most Holy Mother of God into the Temple (UOC-MP) over the use of former monastery property.

Jointly with the Ministry of Foreign Affairs, Ministry of Internal Affairs, State Border Guard Committee, State Customs Service, State Committee for Tourism, and other agencies, the SCRA held several working meetings, including site visits, to support Jewish pilgrimages to the burial site of Nakhman Tsadyk in Uman.

### **Section III. Societal Attitudes**

The generally amicable relationship among religions in society contributed to religious freedom; however, conflicts between local representatives of contending religious organizations in some cases adversely affected broader ties among religions in society.

Political events, particularly those that occurred during and after the 2004 presidential election campaign and Orange Revolution, served to increase religious tensions. Generally speaking, the leaders of most major religious organizations remained above the political fray and urged their congregations to pray, for example, for free and fair elections. The major exception was the UOC-MP, which nongovernmental organizations (NGOs), analysts, and the UOC-KP said openly sided with the government-backed candidate, then-Prime Minister Viktor Yanukovych.

According to NGOs and media reports, priests in UOC-MP churches in the eastern part of the country actively campaigned for Yanukovych, reading special prayers for the Prime Minister and urging the faithful to vote for him. Other observers noted that this campaigning by UOC-MP priests also occurred in other parts of the country, including Kiev. Senior UOC-MP leaders in Donetsk Oblast reportedly told parishioners that then-opposition candidate Viktor Yushchenko was a "servant of the devil" and distributed material claiming that Yushchenko's disfigured face-- the result of a near-fatal poisoning by dioxin--was divine punishment for allegedly plotting to "betray Orthodoxy." In December 2004, the Fifth Channel television program "Forbidden Zone" featured audio recordings of senior UOC-MP officials in Donetsk Oblast haggling with Yanukovych campaign leaders over how much the UOC-MP would be paid for denouncing Yushchenko.

The UOC-MP's Metropolitan for Donetsk, Ilarion, was on the stage at a pro-Yanukovych conference in Luhansk Oblast that raised the specter of separatism when it became clear that Yanukovych would not be declared president on the basis of the fraudulent second round of the presidential election in November 2004. A UOC-MP bishop in Uzhhorod also publicly endorsed Yanukovych.

On January 12, following Yushchenko's victory in the presidential election, senior representatives of the UOC-MP claimed at a Kiev press conference that the UOC-MP had not officially sided with one candidate during the election process. Representatives of the UOC-KP, among others, publicly rejected that assertion. At that January 12 press conference, UOC-MP representatives

also claimed that "many denominations" had permitted political campaigning in their churches during the presidential elections, a phenomenon that the UOC-MP attributed to "politicized inter-confessional relations" in the country. However, the UOC-MP offered no evidence of political campaigning in other churches.

During the period covered by this report, the debate intensified regarding possible unification of some or all of the three main Orthodox Churches (UOC-MP, UOC-KP, and UAOC) and granting the UOC-KP canonical status as an autonomous Ukrainian Orthodox Church. After a March 24 meeting with President Yushchenko, a senior representative of Orthodoxy's "First Among Equals," Ecumenical Patriarch Bartholomew of Constantinople, announced to the press that: "The position of the Mother Church, the Patriarchate of Constantinople, is that...the 1686 subjugation of the Kyivan Metropolia to the Moscow Patriarchate was concluded by Ecumenical Patriarch Dionysius without the agreement of or ratification of the Holy and Sacred Synod of the Great Church of Christ, the Patriarchate of Constantinople."

Representatives of the UOC-MP dismissed the statement as reflecting only the personal view of the representative, Archbishop Vsevolod, and not the Ecumenical Patriarch himself. However, UOC-KP representatives and analysts argued that the statement indicates Bartholomew may be preparing to formally rule that the 1686 decision placing the territory of Ukraine under the jurisdiction of the Russian Orthodox Church was non-canonical -- not in keeping with church rules--and therefore should not stand. Such a ruling would be a major step in granting the UOC-KP autocephalic (independent) status, making it an ecclesiastical equal to the UOC-MP.

UOC-MP representatives claimed that, emboldened by the Orange Revolution, the election of President Yushchenko, and Archbishop Vsevolod's public statement on March 24, supporters of the UOC-KP have attacked UOC-MP clergy and seized a number of UOC-MP churches -- allegedly with the assistance of local police at times.

Specifically, the UOC-MP alleged that on January 9, 2005, people presumed to be UOC-KP supporters shot at (but apparently did not injure) the senior UOC-MP priest of St. Nicholas' church in Myrne village, Rivne Oblast and on February 8, UOC-KP supporters set fire to UOC-MP property in Poliske village, Rivne Oblast. Furthermore, they allege that on February 23, the UOC-MP received a letter from the governor of Kherson Oblast announcing that UOC-KP congregations must be allowed to worship in several UOC-MP churches on a rotational basis; and on March 6 and 8, local authorities incited the violent seizure of the UOC-MP's Holy Trinity church in Rokhmaniv village, Ternopil Oblast. During the incident, a UOC-MP priest suffered "serious bodily injury." According to the UOC-MP, the injured priest subsequently conducted a 57-day hunger strike to protest a Ternopil Appellate Court decision that UOC-MP and UOC-KP congregations be permitted to worship in the church on a rotational basis. Then, on March 17, UOC-KP supporters used "violent means" to seize St. Michael's church in Kostyntsi village, Chernivtsi Oblast; and on April 10, UOC-KP supporters attempted to seize the UOC-MP's Chapel of the Kazan Icon of the Mother of God in Lukhche village, Volyn Oblast. The alleged incidents continued on April 23, when a group of 60 UOC-KP "militants," with the support of local police, seized a UOC-MP church in Tarashcha, Kiev Oblast; and, then on April 24, UOC-KP supporters injured UOC-MP parishioners while trying to seize a church in Shubranets village, Chernivtsi Oblast.

Representatives of the Russian Orthodox Church Abroad (ROCA) also voiced complaints about the UOC-KP, specifically asserting that UOC-KP believers had seized, with the help of local police officials, ROCA's Holy Trinity church in Odesa Oblast. ROCA was involved in a separate dispute with the UOC-KP over ownership of St. George's Church, also in Odessa Oblast.

In addition, ROCA representatives complained of pressure from the UOC-MP to surrender church buildings to the UOC-MP in Malyn, Zhytomyr Oblast.

The Interior Minister on May 25, 2005, denied that local police were taking sides in church property disputes. The Ministry had instructed police officers to maintain peace and stability in cases of conflict between UOC-MP and UOC-KP supporters; the police were under orders to remain impartial and to prevent the seizure or destruction of church property. For example, he said, local police had in May prevented the seizure of a UOC-MP monastery in Rivne Oblast by UOC-KP believers. The Minister emphasized that it was the policy of the Yushchenko government to treat all religions equally.

Tensions remained between some adherents of the UGCC and the UOC-MP over control of property in the western part of the country, which is a legacy of the forced reunification of these two churches under the Soviet regime. For example, the UOC-MP complained that it was informed on April 6, 2005, by the government of Zakarpattia Oblast that it must vacate churches in the villages of Korolevo, Sasovo, Cherna, Veryatsya, Khyzha and Kelechyn; the church buildings were to be turned over to the UGCC.

The UOC-MP also publicly accused the UGCC of attempting to expand in regions where traditionally the Moscow Patriarchate was strong, though the UOC-MP offered no proof to back up its claims. The UOC-MP opposed plans of the UGCC to establish a patriarchate, and strongly criticized Cardinal Husar's decision to move his headquarters from Lviv to Kiev by December 2005.

Leaders of the Baptist Union criticized the UOC-MP for continuing its practice of publicly referring to Baptists with the pejorative Ukrainian word "sectanty" ("sectarians").

Muslims leaders in Crimea, as well as members of the Crimean Tatar Mejlis, accused the UOC-MP of encouraging anti-Muslim and anti-Tatar violence in Crimea. UOC-MP priests in Crimea reportedly have assured ethnic Russian vigilantes, who refer to themselves as Cossacks, that violence against Muslim Tatars was justified in order to "protect Orthodoxy" in Crimea.

Mejlis members and Crimea-based human rights groups also criticized the Crimean Government for permitting schools to use textbooks that contain inflammatory and historically inaccurate material about Tatar Muslims. Human rights activists specifically noted that a popular textbook for fifth graders, Viktor Misan's "Stories on the History of Ukraine," contains more than 20 pejorative references to Muslims, including the canard that Tatar children had frequently used "elderly and disabled Ukrainian captives for archery and saber practice." Similarly, A.K. Shchvidko's 8th-grade textbook, "History of Ukraine, 16-18th Centuries," depicts Muslims in a negative light, erroneously asserting, for example, that "there wasn't a year when Tatars didn't invade Ukraine, burn its villages and towns, slaughter its citizens, and take prisoners." One major Crimea-based human rights group noted that such misinformation collectively creates an impression among young people that "Tatars are bad for Ukraine and that to kill and rob them is a blessed deed."

Crimean Tatar representatives continued to demand the removal of a large market from the territory of an old Muslim cemetery in the Crimean town of Bakhchisaray.

There were acts of anti-Semitism during the period covered by this report. However, the Jewish community was split over whether to characterize anti-Semitism as "on the rise" in the country.

On June 13, 2005, a swastika, anti-Semitic graffiti, and a slogan describing President Yushchenko as "an enemy of Ukraine" were painted near the entrance to the Ha-Tikvah Jewish Center in Kiev.

The notorious Inter-Regional Academy of Personnel Management sponsored a June 3, 2005 conference in Kiev at which speakers reportedly called for the deportation of all Jews from Ukraine. According to Jewish leaders, a UOC-MP priest participated in this conference.

On May 2, 2005, vandals painted a swastika and threatening, offensive words on the walls of the Kotsyubinsky Street synagogue in Dnipropetrovsk.

According to a report by the AEN news agency, a group calling itself the "Party of National Patriots" handed out approximately 1,000 leaflets in Donetsk's Lenin Square on May 9, 2005, calling for the murder of Jews. Specifically, the leaflets called for "death by shooting" for "conspirators and leaders of international Zionist political and religious organizations acting on the territory of Ukraine."

On March 28, 2005, a small, openly anti-Semitic political party officially registered with the Government. The Ukrainian Conservative Party's charter calls for "a struggle against Zionism and fascism" and a return to the Soviet-era practice of indicating a person's ethnicity on their passport.

On March 22, 2005, the synagogue in the Odesa Oblast city of Izmail was vandalized. Anti-Semitic slogans written in German, as well as swastikas, were painted on the synagogue's doors and walls.

On March 17, 2005, vandals painted a large swastika on the Brodsky synagogue in Kiev.

The media reported on February 26, 2005, that renowned accordion player Jan Tabachnyk, who is Jewish, accused Deputy Prime Minister Mykola Tomenko of making anti-Semitic comments about him. Tomenko had said in a radio interview that "Ukrainian artists, and not simply some Tabachnyks or Kobzons" (a reference to Jewish Russian entertainer Iosif Kobzon) should perform in Ukraine. According to press reports on March 23, Tomenko explained that he meant that the Yushchenko government would support all artists, regardless of their political affiliations and ethnicity; the Kuchma-era practice of selective support for entertainers in exchange for declarations of political support would be ended. The Jewish community was split over whether Tomenko's comments were anti-Semitic in nature.

On February 1, 2005, a synagogue in Ivano-Frankivsk was vandalized. According to a report by the AEN news agency, vandals shattered several windows and painted swastikas on the building.

Police in Simferopol were continuing to investigate a January 8, 2005, incident in which a group of skinheads assaulted 13 students from a Chabad Jewish day school. Two of the students, girls aged 11 and 16, required hospitalization; one had a concussion, and another had a broken nose.

In early August 2004, two rabbis were attacked in central Odesa by three men who witnesses say were obviously drunk. The rabbis fought off their assailants with the help of some bystanders. Police captured one of the alleged perpetrators, who while being interrogated told police he wanted to kill Jews. Police have not found the other assailants.

At the end of August 2004, Chaim Dubnov, a Donetsk yeshiva student, was walking with his family in the center of Donetsk when a group of youths chanting anti-Semitic insults surrounded them, knocked Dubnov to the ground and kicked him several times. He was hospitalized with head injuries.

Also in late August 2004, police informed the media that 21 gravestones had been vandalized in the Donetsk More cemetery in Donetsk Oblast. Four neo-Nazis were sentenced on February 7, 2005, for the crime; according to media reports, the local

Jewish community requested light sentences for the vandals, who came from extremely poor families. The two adult defendants were given suspended sentences, and the two underage defendants were sentenced to "compulsory educational measures" to be supervised by their parents.

In a separate incident, also in August 2004, the media reported that 15 additional gravestones in the same cemetery were vandalized. The number "666" (according to some, a Biblical mark of Satan) had been spray-painted on some of the overturned gravestones. Local police have not found the perpetrator(s).

In July 2004, a rabbi was assaulted near Kiev's Brodsky Synagogue, according to a report by the MIGnews.com web site and the newspaper Fakti. In another July 2004 incident, Rabbi Chaim Pikovsky was walking to a synagogue dressed in traditional Orthodox Jewish clothing when, according to the police, at least one unidentified "hooligan" approached Pikovsky, insulted him, and then struck him. According to Pikovsky's lawyer, the police investigated the attack and detained a suspect; that suspect was later released because of a lack of evidence.

In July 2004, the media reported that the then-main opposition bloc in parliament, Our Ukraine, expelled Oleh Tyahnybok, a Member of Parliament (M.P.) who made an anti-Semitic speech during a campaign rally in Ivano-Frankivsk Oblast. A regional court ordered that charges of inciting ethnic hatred be dropped because of a lack of sufficient legal grounds to open a criminal case. Moreover, in a March 29, 2005 national television interview, Tyahnybok refused to apologize for his campaign speech.

A dispute between nationalists and Jews over the erection of crosses in an old Jewish cemetery in Sambir remained unresolved, despite mediation efforts by local Jewish and Greek Catholic leaders.

Police were continuing to investigate the May 2004 vandalism of several dozen tombstones, at Jewish and Christian burial sites, at the Kurenivske Cemetery in Kiev.

According to the Rivne Oblast Jewish Council, municipal authorities restored the desecrated Sosonky memorial in Rivne. In April 2004, Jewish community activists discovered that vandals were removing gold from the mass graves of Jews killed there by the Nazis.

There have still been no arrests for the 2002 vandalism of a Holocaust memorial in Zhytomyr.

Anti-Semitic articles appear frequently in small publications and irregular newsletters, although such articles rarely appear in the national press.

The most infamous purveyor of anti-Semitic material in the country is the allegedly Libyan and Palestinian Government-funded Inter-Regional Academy of Personnel Management, known in Ukrainian as MAUP, which publishes the monthly journal "Personnel" and the weekly newspaper "Personnel Plus." Observers estimate that these publications run at least one major anti-Semitic article each month. For example, Personnel Plus published in its April 14-19, 2005 edition an "open letter" to President Yushchenko, Rada Speaker Lytvyn and Supreme Court Chief Justice Malyarenko calling for a parliamentary investigation into the "criminal activities of organized Jewry in Ukraine." Personnel Plus claimed this letter was signed by more than "100 scientific, civic, and political leaders" including two M.P.s, one of whom (Oleh Tyahnybok) was kicked out of the Our Ukraine parliamentary faction because of his anti-Semitic views.

The Jewish community has received support from government officials in criticizing articles in Personnel and Personnel Plus. For example, State Secretary Oleksandr Zinchenko issued a statement on April 22, 2005, on behalf of the Presidential Secretariat denouncing the "open letter" and condemning "any manifestations of anti-Semitism." In addition, Zinchenko forcefully repeated the key points of his public statement on national radio news programs April 22-23, 2005.

Despite a March 2004 lawsuit filed by the State Committee for Nationalities and Migration, the Lviv-based "Idealist" newspaper continued publication of anti-Semitic articles.

As of June 2005, the trial of the popular Socialist Party newspaper Silski Visti remained ongoing. The newspaper was appealing a lower court ruling that it be closed for fomenting inter-ethnic hatred by publishing at least two anti-Semitic advertisements. At the end of the period covered by this report, Silski Visti was still publishing normally. On March 11, 2005, President Yushchenko presented government awards to several Silski Visti employees in connection with the paper's 85th anniversary celebration.

#### **Section IV. U.S. Government Policy**

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. A majority of foreign religious workers are U.S. citizens, and the Embassy continued to intervene as necessary to defend their rights to due process under the law.

The Ambassador, as well as other Embassy officers, demonstrated the U.S. Government's concern for religious freedom by maintaining an ongoing dialogue with government and religious leaders on this topic, as well as by attending significant religious events in the country.

During the period covered by this report, Embassy officers continued to maintain close contact not only with clerics but also with lay leaders in religious communities and representatives of faith-based social service organizations, such as Caritas, Sokhnut, the American Jewish Joint Distribution Committee, and the National Conference on Soviet Jewry, which are active in the country. In addition, the Embassy facilitated similar meetings with such groups for Members of Congress and other visiting U.S. officials.

Embassy officers tracked developments in religious freedom court cases involving different denominations. For example, the Embassy closely monitored the Sambir and Volodymyr-Volynsky cemetery cases, raising them with the Volyn Oblast government, the SCRA, the Ministry of Justice, the Ministry of Foreign Affairs, the Prime Minister's office, and the Presidential Administration.

Numerous times over the course of the reporting period, the Ambassador raised the Sambir and Volodymyr-Volynsky cases, as well as the broader issues of communal property restitution and preservation, in meetings with senior government officials including the President, Prime Minister, Foreign Minister, Justice Minister and Transportation Minister (who serves as the president's informal liaison with the Jewish community).

Embassy officers met with Muslim leaders in Kiev and Crimea throughout the period covered by this report in an effort to understand the concerns of those communities. The Ambassador also hosted an Iftar to celebrate Ramadan in Kiev.

In September 2004, an Embassy officer attended the annual pilgrimage of Breslover Hasidic Jews to the burial site of their sect's founder in Uman.

In November and December 2004, the Ambassador raised with government officials, including the Prosecutor General, a dispute between the Russian Orthodox Church Abroad (ROCA) and the UOC-KP over ownership of St. George's church in Odesa.

During February 14-19, 2005, the Embassy's Speaker Program featured renowned Baptist Minister Dr. Elbert Ransom, who talked to audiences in Kiev, Mykolayiv, and Simferopol about the role of religious organizations in the U.S. Civil Rights Movement.

On March 29, 2005, the Ambassador attended the signing of a major agreement between the U.S. National Holocaust Museum and the Ukrainian National Archives that gives Holocaust Museum researchers continued access to important documents. The Embassy also hosted a reception for this event.

On May 25, 2005, the Ambassador raised with the Interior Minister complaints by the UOC-MP that UOC-KP supporters were seeking to take over UOC-MP church property, urging the minister to review reports that police had, in some cases, sided with the UOC-KP. The Ambassador specifically highlighted a case in which UOC-KP believers seized ROCA's Holy Trinity church in Odesa Oblast. During April and May, 2005 visits to Lviv, Embassy officers met with various denominations in an effort to better understand inter-confessional relationships in western Ukraine and problems facing both the UGCC and Roman Catholic Church.

During June 2-4, 2005, Dean Koldenhoven, winner of a Kennedy "Profiles in Courage" Award, spoke to students, NGOs, and journalists in Kiev about his experience fighting religious intolerance while mayor of Palos Heights, Illinois.

During the period covered by this report, the Embassy approved an eight-month grant to Ukrainian Catholic University to monitor religious freedom in the country. The Embassy also approved International Visitors Program proposals focusing on Islam, the promotion of interfaith dialogue, and how religious organizations are treated under U.S. law at the national, state, and local levels. Participants in these three programs are expected to travel to the U.S. by the end of 2005.

In Washington, representatives of the Department of State and representatives of the U.S. Commission for the Preservation of America's Cultural Heritage Abroad met with various government officials and religious leaders during the year.

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